



U.S. Embassy

BERN, SWITZERLAND

<https://ch.usembassy.gov>

Customer: KELLY V ISLAMIC REP OF IRAN

Date: 3/11/2024 10:21:40 AM

Register: ACS Cash

Transaction: 15054378

Tender: U.S. Dollars

Exchange Rate: 1 00USD = 0.900LC

Qty	Svc	Ctry	Visa	Price
1	51			\$2,275.00
LETTERS				CHF 2'047.50
ROGATORY/FSIA FEE				

Balance	\$2,275.00
Amount Paid	\$2,275.00
Change	\$0.00

CUSTOMER COPY
ALL TRANSACTIONS ARE
FINAL - NO REFUNDS

Sensitive But Unclassified (SBU)

65752





United States Department of State

Washington, D.C. 20520

June 12, 2024

Ruby J. Krajick
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Danielle Kelly, et al. v. The Islamic Republic of Iran, 1:23-cv-07283

Dear Ms. Krajick:

I am writing regarding the Court's request for transmittal of a Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 23, September 1, 2023), Notice of Suit to the Government of the Islamic Republic of Iran pursuant to 28 U.S.C. Section 1608(a)(4) as a defendant in the above referenced lawsuit.

Because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1035-IE, dated April 4, 2024, and delivered on May 7, 2024. A certified copy of the diplomatic note is enclosed.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jared N. Hess".

Jared N. Hess
Attorney Adviser

* Please note that performance by the Department of State of its statutory functions under 28 U.S.C. § 1608 should not be construed as an indication in any way of the United States' position or views on whether plaintiffs have properly complied with all statutory requirements of the FSIA, the status or character of a defendant, whether service was properly effected, or the merits of any claims or defenses. See <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>.

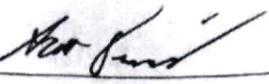
Office of the Legal Adviser
L/CA/POG/GC

Cc: Jerry Goldman
Anderson Kill P.C.
1251 Avenue of the Americas
New York, NY 10020

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

Scott M. Driskel, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 28238 dated March 13, 2024, which was transmitted to the Swiss Ministry of Foreign Affairs on March 13, 2024, for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.


(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 3, 2024
(Date)



Embassy of the United States of America

March 11, 2024

CONS NO. 28238

Federal Department of Foreign Affairs
Foreign Interests Section
Kochergasse 10
Federal Palace North
Office #4.001
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the Foreign Sovereign Immunities Act (FSIA) – Danielle Kelly, et al. v. The Islamic Republic of Iran, 1:23-cv-07283

REF: ---

The Department of State has requested the delivery of the enclosed Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 23, September 1, 2023), Notice of Suit to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter Danielle Kelly, et al. v. The Islamic Republic of Iran, 1:23-cv-07283.

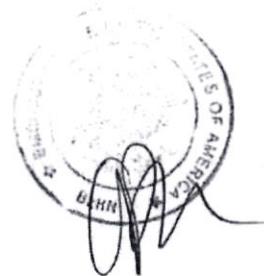
The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. There is one defendant to be served in this case: the Islamic Republic of Iran. The American Interests Section should transmit the Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 23, September 1, 2023), Notice of Suit to the Iranian Ministry of Foreign Affairs under cover of one diplomatic note utilizing the language provided in the enclosed instructions.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute certifications of the diplomatic notes, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is one appropriate part of a message the Embassy received from the Department of State as well two sets of documents for each defendant.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



BEGIN TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN:

The Embassy of Switzerland, Foreign Interests Section in Tehran refers the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit *Danielle Kelly, et al. v. The Islamic Republic of Iran*, 1:23-cv-07283, which is pending in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits a Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), and Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 23, September 1, 2023) herewith (hereinafter, "the documents"). The U.S. District Court for the Southern District of New York has requested service of the documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law, a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Foreign Interests Section requests that the documents be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the documents, the Foreign Interests Section is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

Attachments:

1. Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt# 23, September 1, 2023), and Notice of Suit
2. Translations

END TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document bears the genuine seal of the Swiss Federal Department of Foreign Affairs.

certify under penalty of perjury under the laws of the United States that the foregoing
is true and correct.

(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 3, 2024
(Date)



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

K. 346-01-02-01-USA/IRAN

The Federal Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to Cons Note No. 28238 dated March 11, 2024 regarding judicial assistance and has the honor to convey following documents of the U.S. Interests Section of the Embassy of Switzerland in Tehran:

Judicial Assistance:

Danielle Kelly, et al. v. The Islamic Republic of Iran, 1:23-cv-07283

- Note 1035-IE addressed to the Islamic Republic of Iran

dated April 04, 2024 and proof of service, dated May 07 11, 2024 as well as the certification by the Swiss Federal Chancellery dated May 22, 2024.

The section has received the above mentioned documents on March 24, 2024. It has transmitted these to the Iranian Ministry of Foreign Affairs together with its diplomatic note on May 07, 2024. The reception of the mentioned documents was refused the same day by the Iranian Ministry of Foreign Affairs.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Berne, May 23, 2024

Enclosure(s) mentioned



To the
Embassy of the
United States of America

Berne

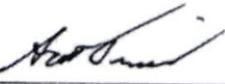
SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document is executed by the genuine signature and seal of the following named official who, in an official capacity, is empowered by the laws of Switzerland to execute that document.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Alessandra MANOIERO
(Typed name of Official who executed the annexed document)


(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 3, 2024
(Date)



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Iran
Foreign Interests Section

No. 1035-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran, presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran, and has the honor to refer the Ministry to the lawsuit *Danielle Kelly, et al. v. The Islamic Republic of Iran*, 1:23-cv-07283, which is pending in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Embassy transmits a Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), and Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 23, September 1, 2023) herewith (hereinafter, "the documents"). The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Embassy requests that the documents be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the documents, the Embassy is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Embassy has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration. *CG*

Tehran - April 04, 2024



Attachments:

1. Summons, Amended Complaint, Civil Cover Sheet, Related Case Statement, Letter to Honorable Sarah Netburn, Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 9, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 10, August 21, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 21, August 31, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt# 22, August 31, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt# 23, September 1, 2023), and Notice of Suit
2. Translations

**Ministry of Foreign Affairs
Islamic Republic of Iran
Department of American Affairs
Tehran**

I, Christian Gobet, Head of the Foreign Interests Section of the Embassy of Switzerland in Iran, certify herewith that this is a true copy of Diplomatic Note No. 1035-IE, dated April 04, 2024. The delivery of this note and its enclosures was attempted on May 07, 2024, but the Iranian Ministry of Foreign Affairs refused its acceptance.


Christian Gobet
Head of the Foreign Interests Section

Tehran – May 07, 2024



APOSTILLE
(Convention de la Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION
This public document
2. has been signed by Christian Gobet
3. acting in the capacity of Head of the Foreign Interests Section
4. bears the seal/stamp of
Embassy of Switzerland US Interests Section Tehran

Certified

5. at Berne 6. the 22.05.2024

7. by Alessandra Manoiero
functionary of the Swiss federal Chancery

8. No 011751

9. Seal/stamp:
Swiss federal Chancery

10. Signature:



ترجمه غیر رسمی

سفارت سوئیس

قسمت حافظ منافع خارجی

شماره 1035-IE

سفارت سوئیس، قسمت حافظ منافع خارجی در تهران، ضمن اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران، احتراماً توجه آن وزارت‌خانه محترم را به دعوای حقوقی تحت عنوان نبیل کلی و دیگران بر علیه جمهوری اسلامی ایران، تحت پرونده مدنی شماره 1:23-cv-07283 که در دادگاه ناحیه ای ایالات متحده آمریکا ویژه ناحیه جنوب نیو یورک مفتح میباشد، جلب می‌نماید. جمهوری اسلامی ایران طرف خوانده در این پرونده می‌باشد. سفارت سوئیس بنا به درخواست دادگاه ناحیه ای ایالات متحده آمریکا ویژه ناحیه جنوب نیو یورک، یک فقره احضاریه، شکایت اصلاح شده، برگه جلد دادخواست مدنی، اظهارات پرونده‌های مرتبط، نامه به عالیجانب سارا نتیرن، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی سودان با شکایت اصلاح شده اشتبون سودان (سند شماره ۹، ۲۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۱۰، ۲۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۲۱، ۳۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۲۲، ۳۱ اوت ۲۰۲۳) و اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی سودان با شکایت اصلاح شده اشتبون سودان (سند شماره ۲۲، ۱ سپتامبر ۲۰۲۳) (که از این پس «اسناد» نامیده می‌شوند) را ایفاد می‌دارد. برای مقررات فصل 28 بخش 1608 بند (الف) (۴) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدارک مذکور به دولت جمهوری اسلامی ایران تلقی می‌گردد.

طبق قوانین قابل اجرا ایالات متحده، خوانده یک پرونده می‌باشد ظرف ۶۰ روز از تاریخ ابلاغ شکایت، در این مورد تاریخ یادداشت، پاسخی به شکایت با دیگر پاسخی دقایقی در پرونده بگذارد. در غیر اینصورت، ممکن است حکمی بر ضد خوانده صادر گردد بدون آنکه خوانده فرست ارائه شواهد و دقایقی از طرف خود را داشته باشد. لذا، سفارت در خواست می‌نماید که اسناد پیوست، با این دید که اقدامات لازم جهت جلوگیری از حکم قصور انجام شود، برای مقامات مربوطه ایرانی ارسال گردد.

سفارت علاوه بر اسناد پیوست، ابلاغیه اقامه دعوی که توسط شاکی دادر بر خلاصه ماهیت پرونده و مشتمل بر رونوشتی از مجموعه قوانین ایالات متحده آمریکا در خصوص دادخواست علیه دولتهای خارجی تهیه شده است را به پیوست ایفاد می‌دارد.

سفارت بدینوسیله اشعار می‌دارد که بموجب قوانین ایالات متحده آمریکا، هر گونه دفاع مربوط به قلمرو قضائی و اداری و یادافع دیگری، از جمله عنوان نمودن مصونیت دولت‌ها، باید در مقابل دادگاهی صورت گردد که موضوع در آن مفتح می‌باشد. از این رو مثوارت با یک مثوار حقوقی در ایالات متحده آمریکا توصیه می‌گردد. وزارت امور خارجه ایالات متحده آمریکا اماده گفتگو با مثوار در مورد قوانین مربوطه می‌باشد. دولت ایالات متحده آمریکا از طرفین این پرونده نبوده و نماینده هیچ یک از طرفین تخواهد بود.

سفارت سوئیس، قسمت حافظ منافع خارجی، موقع را مقتض شمرده مراتب احترامات فائقه خود را نسبت به وزارت امور خارجه جمهوری اسلامی ایران را تجدید می‌نماید.



تهران - بتاریخ شانزدهم فروردین ماه ۱۴۰۳ (۴ اوریل ۲۰۲۴)

پیوست: ۱- احضاریه، شکایت اصلاح شده، برگه جلد دادخواست مدنی (اظهار انتطاب و فواده‌های مرتبط)، نامه به عالیجانب سارا نتیرن، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی سودان با شکایت اصلاح شده اشتبون سودان (سند شماره ۹، ۲۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۲۱، ۱۰ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۲۱، ۳۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی (سند شماره ۲۲، ۳۱ اوت ۲۰۲۳)، اطلاعیه برای انتطاب با شکایت اصلاح شده تلقیقی سودان با شکایت اصلاح شده اشتبون سودان (سند شماره ۲۳، ۱ سپتامبر ۲۰۲۳) و ابلاغیه اقامه دعوی

۲- ترجمه‌ها

اداره امور آمریکا
وزارت امور خارجه
جمهوری اسلامی ایران
تهران